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GOVERNMENT OF GOA

Department of Law & Judiciary

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Notification

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The Goa (Right of Citizens to Time-Bound Delivery of Public Services) Act, 2013 (Goa Act 19 of 2013), which has been passed by the Legislative Assembly of Goa on 2-5-2013 and assented to by the Governor of Goa on 19-6-2013, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 21st June, 2013.

The Goa (Right of Citizens to Time-Bound Delivery of Public Services) Act, 2013

(Goa Act 19 of 2013) [19-6-2013]

AN

ACT

to provide for delivery of public services to the people of the State of Goa within the stipulated time limit, including liabilities

of Government servants in case of default, administrative efficiency and for the matters connected therewith and incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India as follows:—

(1) *Short title, extent and commencement.*— (1) This Act may be called The Goa (Right of Citizens to Time-bound Delivery of Public Services) Act, 2013.

(2) It extends to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by a notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act.

2. *Definition.*— In this Act, unless the context otherwise requires,—

(a) “Administration” means and includes the administration of the Government, every person, every authority, every body by whatever name called;

(b) “Appellate Authority” means the concerned administrative secretary or such person or authority, as may be specified by the Government by a notification:

(c) "Authority" means and includes any department, public authority, body, institution, legal authority, established, constituted, formed, appointed or instituted (i) by or under the Constitution of India in the State of Goa; or (ii) by any other law made by the State Legislature; or (iii) by a Government Notification issued or an order passed or otherwise set up by the Government and includes any body owned, controlled or substantially financed or any non-Governmental organisation which has received Government grant to the tune of Rs. 5 lakhs or more; or (iv) Institutions including colleges, schools receiving any grant or aid from the Government or recognised or permitted by the State Government, and includes Municipality, Municipal Corporation, Panchayat, Planning and Development Authority, Industrial Township, Zilla Panchayat, Zilla Parishad, Gram/Village Panchayat or local self-governing bodies, statutory or non-statutory, by whatever name called, required to render any services of public utility in the State or to control, manage or regulate public services within a specified local area;

(d) "designated officer" means an officer designated under sub-section (2) of section 4;

(e) "eligible person" means a citizen of India residing in the State;

(f) "Government" means the Government of Goa;

(g) "Notification" means a notification published in the Official Gazette of the Government of Goa and the expression "notified" shall be considered accordingly;

(h) "Official Gazette" means the Official Gazette of the Government;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "public service" means any service notified under section 4;

(k) "Rules of Business" means the Rules of Business of the Government of Goa, 1991

made by the Governor of Goa under Article 166 of the Constitution of India;

(l) "Schedule" means the Schedule to this Act;

(m) "specified time limit" means the time limit within which the designated officer is required to provide service as specified under sub-section (1) of section 4.

3. *Right to public services.*— (1) Subject to the provisions of this Act, every eligible person residing in the State of Goa shall have a right to public services.

(2) The right referred to in sub-section (1) shall include the right to—

(a) have access to the public service;

(b) receive the public service within a specified time limit;

(c) receive the public service in a transparent manner;

(d) demand performance of duties and functions by the designated officer in accordance with the provisions of this Act;

(e) hold the concerned designated officer accountable for any service deficiency in the public service; and

(f) claim compensation from the concerned designated officer for his failure to provide, or delay in providing, public service provided.

4. *Notification of public services and time limit.*— (1) The Government may, by a notification, from time-to-time, specify any service to be a public service for the purpose of this Act and also specify by a notification, the time limit within which such services shall be provided by the designated officer to the eligible persons.

(2) For providing public services specified under sub-section (1), the Government may, by notification designate different officers for different public services, who shall be responsible for providing each of such service to the eligible persons.

5. *Providing of public service within the specified time limit.*— (1) It shall be mandatory on the part of the designated officer to provide public services to the eligible persons within the time limit as specified in the notification issued under sub-section (1) of section 4.

(2) The specified time limit shall start from the date when an application is submitted by the eligible person to the designated officer or to a person subordinate to him, authorised to receive the application for providing the public service.

(3) All applications received by the designated officer or the authorized person, shall be duly acknowledged by putting an inward stamp specifying the inward number, date and time of receipt of such application, on the duplicate copy of such application.

(4) On receipt of an application under sub-section (3), the designated officer shall within the specified time limit, either provide the public service or reject the application.

Provided that in case of rejection of the application, the designated officer shall record the reasons therefor and intimate the same to the applicant.

6. *Appeal.*— (1) Any person, whose application has been rejected under sub-section (4) of section 5, or who does not receive public service within the specified time limit, or where the public service received by him is deficient in any manner, may prefer an appeal to the Appellate Authority, within a period of thirty days from the date of such rejection or expiry of the specified time limit or receipt of deficient service, as the case may be:

Provided that the Appellate Authority may entertain, hear and dispose off an appeal after the expiry of the period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Appellate Authority shall dispose off the appeal preferred under sub-section (1) within a period of forty-five days from the date of presentation of the appeal.

(3) The Appellate Authority may direct the designated officer to provide the public service within such time as it may specify but not more than the time specified in the notification or to remove the deficiency in public service provided to the appellant or to pass such other order, including rejection of the appeal, as it may deem fit:

Provided that before passing any order under sub-section (3), the Appellate Authority shall provide an opportunity of being heard to the appellant as well as to the designated officer.

7. *Powers of Appellate Authority.*— The Appellate Authority shall, whilst deciding an appeal under section 6 have the same powers as are vested in the Civil Court whilst trying a Suit under the Code of Civil Procedure 1908 (Central Act of 1908), in respect of the following matters, viz.,—

(a) requiring the production and inspection of documents;

(b) issuing summons for a hearing to the designated officer and the appellant;

(c) requisitioning any public records or copies thereof from any government office;

(d) any other matter which may be prescribed;

(e) levy of fine/compensation of an amount not exceeding rupees five thousand upon the concerned designated official; and

(f) direct the designated officer to pay compensation not exceeding rupees three thousand five hundred to the eligible person.

8. *Display of public services.*— The details of the designated officers, public services and the specified time limit thereof shall be displayed locally on the notice-board in every authority and notified in the Official Gazette and Citizens Charter, and also on the website of the concerned authority for the information of the general public.

9. *Monitoring the status of the application.*— (1) Every eligible person who has applied for any public service shall be entitled to obtain and monitor the status of his application online on the basis of the acknowledgement given to him under sub-section (3) of the section 5 in accordance with such procedure as may be prescribed.

(2) Every Authority which is required, under this Act to provide the public services, shall maintain the status of all the applications received by its designated officer/s and it shall be also duty bound to update the status of the same as per the prescribed procedure.

10. *e-Governance of services through mutual understanding.*— The Government shall endeavour and encourage all the Authorities required under this Act, to provide the public services, to enter by mutual understanding, to deliver to the eligible persons, the public services within the specified time limit, as a part of e-Governance.

11. *Penalty for non-compliance of orders.*— (1) If the designated officer does not comply with the orders or direction given to him under sub-section (3) of section 6, the person aggrieved may file an application before the Appellate Authority and upon receipt of such application, the Appellate Authority shall by notice, call upon the designated officer to show cause, within thirty days of the receipt of such notice, for failure to comply with such order or direction.

(2) If, after having considered the cause, if any, shown by the designated officer, the Appellate Authority is of the opinion that the designated officer has not complied with the orders or directions or if no cause is shown within the time specified in the notice under sub-section (1), the Appellate Authority may, impose a fine on such designated Officer which shall not be less than rupees one thousand but which may not extend to rupees five thousand.

12. *Penalty for not providing public service.*— Where the Appellate Authority is

of the opinion that the designated officer has failed to provide the public service to the eligible person or has caused delay in providing the public service or has provided the public service which is deficient in any manner, it may impose a fine on such designated officer—

(i) of rupees fifty for each day or rupees two thousand five hundred, whichever is less, in case of failure to provide public service;

(ii) of rupees fifty for each day of such delay or rupees two thousand five hundred, whichever is less, in case of delay in providing public service; and

(iii) of rupees five hundred, in case of deficiency in public service provided:

Provided that before imposing such fine, the designated officer shall be given a reasonable opportunity of being heard.

13. *Penalty for not deciding the appeal within the specified time.*— Where the Government is of the opinion that the Appellate Authority has failed to decide the appeal within the time limit specified in sub-section (2) of section 6, without any sufficient or reasonable cause, it may impose a fine on the Appellate Authority, which shall not be less than rupees one thousand but which may extend to rupees five thousand:

Provided that before imposing such fine, the Appellate Authority shall be given a reasonable opportunity of being heard by the Government.

14. *Compensation.*— On imposition of a fine under sections 11, 12 or 13, the Appellate Authority or the Government, as the case may be, may, by order, direct that a portion of such fine imposed, as deemed fit by it, be awarded to the Appellant, as compensation:

Provided that the amount of such compensation awarded shall not exceed sixty percent of the amount of fine imposed.

15. *Disciplinary Action.*— In addition to the imposition of fines under sections 11, 12 or 13, the Government, may, if it is satisfied that

the designated officer or the Appellate Authority, as the case may be, has failed to discharge the duties assigned to him/her under this Act without sufficient or reasonable cause, contemplate or commence disciplinary action against him/her under the Service Rules applicable to him/her.

16. *Rights available only to eligible persons.*— The rights conferred under this Act shall be available only to the eligible persons for every matter including the right to obtain citizen related services in the State in accordance with the provisions of this Act; and the eligible person shall have a further right under this Act to apply for and claim compensation from, and/or seek imposition of penalty upon and/or seek disciplinary action against, the defaulting designated officer and/or Appellate Authority:

Provided that any compensation awarded and/or fine imposed shall be paid by, and recovered from, the officer/s/persons responsible for such lapse and not out of the exchequer of the Government.

ADMINISTRATION

17. *Disposal of files.*— (1) Every officer and employee of the Government and the Authority working in the State Administration or Authority shall endeavour to dispose off the business and files put up to him or received by him, or forwarded or remitted to him, preferably on the same day and in any event, within a time bound period as specified in the Schedule:

Provided that whenever any such officer or employee is out of station or on leave or off duty on account of having availed of any benefits including leave travel concession, the link officer concerned or his substitute, shall be responsible for disposal of such business as aforesaid:

Provided further that, if the officer or employee concerned is on official duty outside the State and is unable to dispose off the same on account of such tour or assignment, the time specified in the Schedule shall begin to run from the date such officer or employee

joins his duties to the said post on return from the tour or assignment.

18. *Punishment for non-disposal of official business.*— (1) Whoever contravenes provisions of section 17 shall, in addition to the Disciplinary Proceedings which may be commenced by the Government, be punishable with fine of rupees five hundred per day which may extend to rupees five thousand, which shall be deducted from the salary or any amount payable to such person.

(2) The Chief Secretary of the Government shall be the Authority for the purpose of imposing the fine on such officer or employee of the Government found to have violated the section 17.

(3) In all other cases including violation by any Statutory Authority, public body, Government Committee, Government society or any other legal authority, body, the Authority to impose the fine shall be the Minister concerned who is in charge of the subject matter dealt with or assigned to such authority or body etc.

(4) In case of any doubts on the question of Authority under the aforesaid sub-sections, the matter may be placed before the Chief Minister whose decision thereon including on the question of imposition of fine shall be final and binding:

Provided that before imposing any fine on any officer, employee, person, body, Authority, he shall be given a reasonable opportunity of submitting his explanation.

19. *Authorities to grant or reject permissions within a specified time limit.*—

(1) Every authority which is empowered under any law, order or notification to issue any licence, permit, no objection certificate, approvals, technical approvals, permissions, development permissions, or any kind of authorisations, shall be required to deal with, attend to and dispose off applications/requests thereof within a period specified in the relevant Statutes and where no such period is specified, within a period of twenty one days from the date of receipt of such application/request and not any longer.

(2) Any failure on the part of any authority to deal with and dispose off the applications/ request referred to in sub-section (1) shall be construed to be a serious default in the discharge of its duty and a violation of the right of the citizens under this Act; and shall be punishable in accordance with the provisions of this Act.

(3) The time limit specified under the provisions of this Act shall apply to every Authority in this State including the Appellate Authorities and the Administrative side of Judicial and Quasi Judicial Authority, set up or prescribed under this Act and any other law:

Provided however, such time limit in case of any Judicial, Quasi Judicial proceedings, shall be three months.

20. (1) Every Authority including the Minister and Secretary to the Government shall ensure strict compliance with the Rules of Business.

(2) The Secretary to the Government of the concerned Department shall be responsible for compliance with the Rules of Business by every Authority.

(3) Violation of the Rules of Business shall be considered a serious matter and a remiss in the discharge of one's duties by or under the Constitution of India in terms of this Act.

(4) For the purpose of compliance with the Rules of Business, consultation with the Finance Department in case of matters covered under the Rules of Business requiring the consultation of the Finance Department, as well as that of the Law Department shall, wherever required, be mandatory. For the purpose of this Act, the notings of the Finance Department as well as of the Law Department, as and when required, shall form permanent notings and records on the file concerned.

21. *Administration of Government property.*— (1) Any property, owned or possessed by the Government or to which the Government is entitled to in any way, be it moveable or immovable or of any other kind

including the right of the Government of any kind whatsoever, over any matter, property, or other things, shall not in any manner be relinquished, compromised, surrendered, waived, withdrawn, sold, transferred, leased out, encumbered or encroached upon or damaged, or otherwise dealt with in any manner whatsoever except in accordance with law and the rules authorising such disposal as well as the Rules of Business.

Explanation:— For the purpose of this sub-section "encroached" means construction of any type of structure including dwelling units or otherwise and includes blocking/squatting damage including digging without permission from the competent authorities.

(2) Any contravention of sub-section (1) shall constitute a criminal offence punishable with fine of not less than rupees ten thousand but which may extend to rupees ten lakh and imprisonment for a term which may extend to three years.

22. *Cognisance and trial of offences.*— (1) Any non-compliance with any of the provisions of this Act, except where a separate offence and penalty is provided for, shall be punishable with a fine of rupees ten thousand.

(2) Any offence under the provisions of this Act or any matter construed as an offence under the provisions of this Act shall be triable by the Principal Sessions Judge of either district of the State.

(3) All offences under this Act shall be cognizable and bailable except offences under Section 22 which shall be cognizable and non-bailable.

23. *Duty of Authority to protect, etc.*— (1) Every Authority concerned responsible for discharging the services such as,—

(a) public transport, private transport including by road, water, air;

(b) hospitals, dispensaries;

(c) schools, colleges, universities, board of education, technical institutions;

(d) municipal markets, shopping complexes, shopping centres including the public street;

shall be duty-bound to prevent any kind of harassment, eve-teasing, etc., and to protect any widow, woman of any age and children, senior citizens and physically challenged persons.

(2) Failure on the part of any Authority or its officers or employees to comply with the provisions of sub-section (1) shall constitute an offence punishable under the provisions of this Act.

24. *Power of the Government.*— The Government shall have the power in matters of appointment to combine services or appoint a common person or common Authority to perform and discharge multiple functions under different Acts or Rules.

25. *Reservations.*— The Government shall endeavour wherever and whenever possible, to empower women and children for the purpose of giving equal protection of laws to women and children, widows as well as physically challenged persons; including by directing reservations and other benefits; for reasons to be recorded in writing, any reservation to any post or any other benefit under the Government or any of its Authorities, Bodies, excluding the local self-Government.

26. *Protection of action taken in good faith.*— No suit, prosecution or any other legal proceedings shall lie against any person for anything which is done or intended to be done in good faith, in pursuance of this Act or any rule made thereunder.

27. *Act to have over-riding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law enacted and enforced by State Legislature, for the time being in force or in any instrument having effect by virtue of any law enacted and enforced by State Legislature, other than this Act.

28. *Power of the Government to send applications to the Appellate Authority directly.*— Notwithstanding anything contained in this Act, the Government, if it receives any application alleging non-compliance of the provisions of this Act, may if it deems fit, send such an application directly to the Appellate Authority for taking further action in the matter, in accordance with the provisions of this Act.

29. *Bar of jurisdiction of Courts.*— No Court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of appeal under this Act.

30. *Power to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of sub-section (1), the Government shall have the power to prescribe forms and fees for making applications under this Act, including to frame rules in that behalf.

31. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such orders shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

SCHEDULE (See Section 17)			Sr. No.	Authority	Time-limit
Sr. No.	Authority	Time-limit	House Officer including Police Inspector, Superintendent of Police in matters of section 154 of the Code of Criminal Procedure, 1973 (2 of 1974)		
1. Dealing Clerk to Deputy Director in a Department/Corporation/Authority	Not exceeding fifteen (15) days in all to a maximum of three (3) days per officer.	8. Mamlatdar/Deputy Collector/Collector/Director/Chief Officer/Commissioner for grant of any permissions under any Law	Not more than seven (7) days.		
2. Head of the Department/Director/Director General	Not more than four (4) days.	9. Department of Education including the Director/Deputy Director/Additional Director of Educational Institutions, Zonal Officers, under the Goa, Daman and Diu School Education Act, 1984 (15 of 1985) and Rules	Not more than seven(7) days.		
3. Under Secretary, Dy. Secretary, Joint Secretary, Additional Secretary and Special Secretary to Government	Not more than four (4) days per officer.	10. Goa Industrial Development Corporation, Goa Economic Development Corporation for allotment of Plot/Finance	Not more than thirty (30) days.		
4. Chief Secretary/Principal Secretary and Secretary to Government	Not more than seven (7) days.	11. All other Authorities/Officials/Public Servants under the State Government including Judicial Officers in Administrative matters	Not more than eleven (11) days.		
5. Chief Minister and Ministers/Speaker/Deputy Speaker	Not more than thirty (30) days.				
6. Chairman / Member Secretary/Members of Goa Public Service Commission, Goa State Pollution Control Board, Planning & Development Authority, Municipality/Corporation/Panchayat/Zilla Panchayat/Zilla Parishad/any Body or Corporate	Not more than fifteen (15) days.				
7. Police Officers in charge of Police Stations/Station	Not more than three (3) days.				

Secretariat, PROMOD V. KAMAT
Porvorim-Goa. Secretary to the Govt. of Goa
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